



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Kirakossian *et al.*

Confirmation No.: 2462

Serial No.: 10/765,773

Art Unit: 1641

Filed: January 26, 2004

Examiner: DO, PENSEE T.

For: BIOMARKER DETECTION IN
CIRCULATING CELLS

Attorney Docket No.: 11068-145-999
(formerly 138.00US)

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Your Petitioner, Nikolaos C. George represents that he is an attorney of record for ViroLogic, Inc. ViroLogic, Inc. is the assignee of the entire 100% right, title and interest in and to the above identified application and U.S. Pat. No. 6,627,400, by virtue of the merger of Aclara Biosciences, Inc. into ViroLogic, Inc. On December 10, 2004, Aclara Biosciences, Inc. merged into Apollo Merger Subsidiary, Inc. On March 18, 2005, Apollo Merger Subsidiary, Inc. merged into ViroLogic, Inc. Copies of the Certificates of Merger are attached to this Terminal Disclaimer. The assignment of the instant patent application U.S. App. No. 10/765,773 from the inventors to Aclara Biosciences, Inc. was recorded on January 26, 2004, at Reel 014939, Frame 0369. The assignment of U.S. Pat. No. 6,627,400, from the inventors to Aclara Biosciences, Inc. was recorded on February 26, 2001, at Reel 011545, Frame 0394. Thus, title to both of the above-identified application and U.S. Pat. No. 6,627,400 is properly vested in ViroLogic, Inc.

Petitioner hereby disclaims the terminal part of any patent granted on the above identified application which would extend beyond the expiration date of U.S. Pat. No. 6,627,400. In addition, Petitioner hereby agrees that any patent so granted on the above identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Pat. No. 6,627,400.

Petitioner further agrees that this agreement is to run with any patent granted on the above identified application and is to be binding upon the grantee, its successors, and assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Pat. No. 6,627,400 in the event that said patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of their full statutory terms, except for the separation of legal title stated above.

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Petitioner hereby confirms that he has reviewed the assignment and merger documents, and to the best of his knowledge and belief, title is in the assignee seeking to take action in this matter and that he is empowered to act on behalf of ViroLogic, Inc.

Petitioner hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this date of June 29, 2005.

Attorney for ViroLogic, Inc.

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